

Clayman &
Rosenberg ^{LLP}

| |
|----------------------|
| USDS SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: |
| DATE FILED: 8/23/12 |

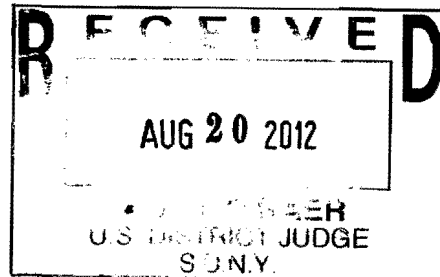
305 Madison Avenue
New York, NY 10165
T: 212-922-1080
F: 212-949-8255

Paul S. Hugel
Partner
hugel@clayro.com

August 20, 2012

VIA FACSIMILE NO. 212 805 7901

Hon. Harold Baer
United States District Court – SDNY
500 Pearl Street, Room 2230
New York, New York 10007



Re: Maclaren Europe Ltd v. ACE American Ins. Co.
Index No. 11cv4688 (HB)

Dear Judge Baer:

I represent Plaintiff Maclaren Europe Limited ("MEL") in the above-referenced matter. On Friday I received a notification from your chambers that a jury trial in this case has been scheduled to begin on October 22, 2012, provided that the matter is not resolved on the pending summary judgment motions.

I have a conflict on that date as I am scheduled to begin a criminal bank fraud trial in U.S. v. Zahavi et al. 12 CR 288 (JPO) before Judge Oetken on October 22, 2012. The Government has informed us that they estimate the Zahavi trial will take 2 to 3 weeks. The trial date in that case was set in about five weeks ago.

I respectfully request that the Court set a new start date for the trial in this matter which will allow me to prepare for and complete the criminal trial before we commence. Thank you for your consideration.

Very truly yours,

cc: J. Gregory Lahr, Esq. (via email)

SO ORDERED
Harold Baer, Jr., U.S.D.J.
Date: 8/22/12
Paul Hugel

Endorsement:

Sadly you must not have been listening when I told you that you may choose the month for trial but you "are mine" for the month and we would give 30-45 days notice of a specific date, we gave you more and its your problem to resolve albeit this decision may do it for you.